

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, SEPTEMBER 18, 2012 6:00 p.m.

In accordance with the Freedom of Information Act, a copy of the agenda was sent to radio and TV stations, newspapers, persons requesting notification, and was posted on the bulletin board located in the lobby of the County Administration Building.

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MEMBERS PRESENT:

Chair	Kelvin E. Washington, Sr.
Vice Chair	L. Gregory Pearce, Jr.
Member	Joyce Dickerson
Member	Valerie Hutchinson
Member	Norman Jackson
Member	Damon Jeter
Member	Gwendolyn Davis Kennedy
Member	Bill Malinowski
Member	Jim Manning
Member	Paul Livingston
Member	Seth Rose

OTHERS PRESENT – Tony McDonald, Sparty Hammett, Roxanne Ancheta, Randy Cherry, Brad Farrar, Nelson Lindsay, Yanisse Adrian-Silva, Sara Salley, Daniel Driggers, John Hixon, Valeria Jackson, Buddy Atkins, Tracy Hegler, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 6:07 p.m.

INVOCATION

The Invocation was given by the Honorable Damon Jeter

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Damon Jeter

PRESENTATION OF RESOLUTION

Resolution honoring Tige Watts for outstanding service to the community – Mr. Jackson presented Mr. Tige Watts with a resolution honoring his outstanding service to the community.

APPROVAL OF MINUTES

Regular Session: September 11, 2012 – Mr. Livingston moved, seconded by Ms. Dickerson, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF THE AGENDA

Ms. Dickerson moved, seconded by Ms. Hutchinson, to adopt the agenda as distributed. The vote in favor was unanimous.

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

The following were potential Executive Session Items:

- a. **Richland County Public Library**
- b. **Mr. Farrar Military Duty**

CITIZENS' INPUT

No one signed up to speak.

REPORT OF THE COUNTY ADMINISTRATOR

Hiring Freeze Update – Mr. McDonald stated that the hiring freeze will be lifted immediately.

REPORT OF THE CLERK OF COUNCIL

MUSC request to brief Council on a project entitled "Ethno-Cultural Barriers to Health Literacy/Disease Management in African Americans living in the Upper Piedmont, Blue Ridge, Pee Dee/Sand Hill, Central Midlands/Lower Piedmont, and Coastal Plains of South Carolina" – Ms. Dickerson moved, seconded by Ms. Hutchinson, to allow MUSC to make a presentation at the October 2nd Council meeting. The vote in favor was unanimous.

Green Code/Development Roundtable Recommendations and Ordinance Work Session, September 25 at 4:00-5:00PM – Mr. Livingston moved, seconded by Ms. Dickerson, to schedule the work session for September 25th at 4:00 p.m.

Regional Recreation Complex Council Work Session, October 16 at 4:00-5:00 PM – Ms. Hutchinson moved, seconded by Ms. Kennedy, to schedule the work session for October 16th at 4:00 p.m.

Proposed McEntire Tour, TBD – Ms. Onley stated that McEntire had contacted the Clerk's Office regarding a base tour. The Clerk's Office will forward proposed dates to Council.

REPORT OF THE CHAIRMAN

No report was given.

OPEN/CLOSE PUBLIC HEARINGS

- **An Ordinance Amending the Fiscal Year 2012-2013 General Fund Annual Budget to appropriate \$44,500 of General Fund Undesignated Fund Balance for Sheriff's Department Grant Position Pick-Up** – No one signed up to speak.
- **An Ordinance Amending the Fiscal Year 2012-2013 General Fund Annual Budget to appropriate \$289,000 of General Fund Balance for Sheriff's Department Salary Fringe Funds** – No one signed up to speak.
- **An Ordinance Amending the Fiscal Year 2012-2013 General Fund Annual Budget to appropriate \$34,004 of General Fund Undesignated Fund Balance for Additional Personnel for Blythewood Magistrate** – No one signed up to speak.
- **An Ordinance Amending the Fiscal Year 2012-2013 Neighborhood Improvement and Community Development Fund Annual Budgets to appropriate \$53,655 of Neighborhood Improvement Undesignated Fund Balance for transfer to the Community Development Fund for the CDBG and HOME Administrative Shortfall** – No one signed up to speak.
- **Amending Exhibit A to Ordinance No. 048-08HR Authorizing the Recreation Commission of Richland County on behalf of the Recreation District of Richland County, South Carolina, to issue General Obligation Bonds in the principal amount of not exceeding \$50,000,000; and other matters relating thereto enacted by the County Council of Richland County, South Carolina on September 9, 2008** – No one signed up to speak.

APPROVAL OF CONSENT ITEMS

- **12-24MA, Martin Fridy, Grands Investment Company, LLC, M-1/MH to GC (9.9 Acres), 108 Fore Ave., 22914-06-01(p)/03/04/05/06/07/08/16/17 [THIRD READING]**

- **An Ordinance Amending the Fiscal Year 2012-2013 General Fund Annual Budget to appropriate \$289,000 of General Fund Balance for Sheriff's Department Salary Fringe Funds [THIRD READING]**
- **An Ordinance Amending the Fiscal Year 2012-2013 Neighborhood Improvement and Community Development Fund Annual Budgets to appropriate \$53,665 of Neighborhood Improvement Undesignated Fund Balance for transfer to the Community Development Fund for the CDBG and HOME administrative shortfall [THIRD READING]**

Mr. Pearce moved, seconded by Ms. Hutchinson, to approve the consent items. The vote in favor was unanimous.

THIRD READING ITEM

Amending Exhibit A to Ordinance No. 048-08HR Authorizing the Recreation Commission of Richland County on behalf of the Recreation District of Richland County, South Carolina, to issue General Obligation Bonds in the principal amount of not exceeding \$50,000,000; and other matters relating thereto enacted by the County Council of Richland County, South Carolina on September 9, 2008 – Mr. Livingston moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

An Ordinance Amending the Fiscal Year 2012-2013 General Fund Annual Budget to appropriate \$44,500 of General Fund Undesignated Fund Balance for Sheriff's Department Grant Position Pick-Up – Mr. Livingston moved, seconded by Mr. Jackson, to approve this item. The vote was in favor.

An Ordinance Amending the Fiscal Year 2012-2013 General Fund Annual Budget to appropriate \$34,004 of General Fund Undesignated Fund Balance for additional personnel for Blythewood Magistrate – Mr. Jackson moved, seconded by Ms. Dickerson, to approve this item. A discussion took place.

The vote in favor was unanimous.

SECOND READING ITEMS

An Ordinance Amending the Fiscal Year 2012-2013 General Fund Annual Budget to appropriate \$730,000 of General Fund Restricted Fund Balance for Economic Development Projects – Mr. Livingston moved, seconded by Mr. Malinowski, to approve this item. The vote in favor was unanimous.

An Ordinance Amending the Fiscal Year 2012-2013 Hospitality Tax Budget to appropriate \$1,217,201 of Hospitality Tax Restricted Fund Balance for the Recreation Sports Complex – Ms. Dickerson moved, seconded by Ms. Hutchinson, to approve this item. The vote was in favor.

REPORT OF THE ECONOMIC DEVELOPMENT COMMITTEE

Approval of McEntire Produce Set Aside Fund Grant – Mr. Livingston stated that the committee recommended approval of this item. The vote in favor was unanimous.

REPORT OF THE RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF APPOINTMENTS

- a. **Airport Commission—3** – Mr. Malinowski stated that the committee recommended re-appointing Mr. James E. Christopher, Jr., Dennis L. Dabney, and Mr. Robert C. Pulliam. The vote in favor was unanimous.
- b. **Richland County/City of Columbia Animal Care Advisory Committee—2** – Mr. Malinowski stated that the committee recommended re-appointing Ms. Louise C. Emmott and appointing Mr. Joel Osmelowski.

Ms. Hutchinson moved, seconded by Mr. Manning, to vote on each applicant. The vote was in favor.

There were no votes for Mr. Patrick Greg Brown.

Mr. Rose, Mr. Malinowski, Mr. Jackson, Ms. Hutchinson, Mr. Pearce, Mr. Washington, Mr. Livingston, Ms. Dickerson, Ms. Kennedy, and Mr. Jeter voted for Ms. Louise C. Emmott.

Mr. Malinowski, Mr. Jackson, Mr. Washington, and Ms. Kennedy voted for Mr. Joel Osmelowski.

Mr. Rose, Ms. Hutchinson, Mr. Pearce, Mr. Livingston, Ms. Dickerson and Mr. Jeter voted for Ms. Peggy Wilson.

Ms. Louise C. Emmott and Ms. Peggy Wilson were re-appointed.

- c. **Appearance Commission—2** – Mr. Malinowski stated that the committee recommended appointing Mr. Kenneth B. Simmons to the Landscape Architect position. The vote in favor was unanimous.

Ms. Ryan Nevius withdrew her application for the Horticulturalist position.

Mr. Malinowski stated that the committee recommended appointing Mr. Alan Roblee to the Horticulturalist position. The vote in favor was unanimous.

- d. **Business Service Center Appeals Board—3** – Mr. Malinowski stated that the committee recommended appointing Mr. Robert A. Leichtle to the CPA position

and appointing Ms. Nancy Kauffman to the non-CPA position. The vote in favor was unanimous.

- e. **Community Relations Council—2** – Mr. Malinowski stated that the committee recommended appointing Ms. Josephine A. McRant and to re-advertise the remaining position. The vote in favor was unanimous.
- f. **East Richland Public Service Commission—1** – Mr. Malinowski stated that the committee recommended appointing Mr. William H. Hancock. The vote in favor was unanimous.

II. DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE

- a. **Agendas-FOIA Compliance** – Mr. Malinowski stated that the committee recommended abiding by the Council rules for submission of agenda items. A discussion took place.

Mr. Manning moved, seconded by Ms. Dickerson, to defer this item. The vote in favor was unanimous.

- b. **Appearance Commission: [MALINOWSKI]**
 - 1. **Determine what constitutes a quorum for the Appearance Commission and have the Ordinance reflect that** – Mr. Malinowski stated that this item was held in committee.
 - 2. **Require all Council members appoint a representative to the Appearance Commission by the July 31, 2012 Council meeting** – Mr. Malinowski stated that Council members that have not appointed a representative are in violation of the deadline.
- c. **Council Individual Discretionary Account** – This item was held in committee.
- d. **I move Council consider allowing Master Gardeners to fulfill the roles of Landscaper and Horticulturalist on the Appearance Commission, in the event that no licensed Landscaper or Horticulturalist can be recruited for the Commission. I also encourage all Council members to appoint their candidates to the Commission, and request staff inform Council of vacancies [HUTCHINSON]** – This item was held in committee.
- e. **Due to recent issues with the Chair making announcements and having meetings on behalf of Richland County and County Council without Council's approval. I move that we have a workshop on the rules of the Chair. The do's and don'ts of the Chair. This will help with the problem**

and the chaos we are having on County Council [JACKSON] – This item was held in committee

- f. **Add to Section 4.1 of Council Rules: “No standing committees of Council shall be scheduled at the same time.” [LIVINGSTON]** – Mr. Malinowski stated that the Section 4.1 of the Council Rules be amended to read: “Absent emergency situations no standing committees of Council shall be scheduled at the same time.” The vote was in favor.
- g. **That all items currently listed on the A&F and D&S Committee agendas as “Items Pending Analysis” be cleared up within 90 days. There is no reason some action should not be taken, even if it means to table it for now [MALINOWSKI]** – This item was deferred until the October 16th Council meeting.
- h. **Reviewing Committee Qualifications** – This item was held in committee to obtain additional information from staff.

OTHER ITEMS

REPORT OF THE JOINT TRANSPORTATION COMMITTEE

- a. **Oversight/Accountability Committee** – Mr. Livingston stated that the committee recommended that the Transportation Penny Advisory Committee [TPAC] will consist of 15 members (Richland County—7 members with a minimum of 5 coming from unincorporated Richland County; Columbia—3 members; Irmo, Forest Acres, Blythewood, Arcadia Lakes, and Eastover—1 member each) with a goal of have the 3 modes of transportation represented. The committee further recommended that the appointments be made no later than January 31, 2013; an annual “State of the Penny Address” will be given; members will serve 5-year staggered terms with no term limits and the TPAC members will provide quarterly reports to their respective jurisdiction.

Mr. Washington made a substitute motion, seconded by Ms. Dickerson, to have the City of Columbia to select one mode of transportation to be represented by them. A discussion took place.

Mr. Livingston made a second substitute motion, seconded by Mr. Rose, to leave the appointment of the three modes as a goal. The vote was in favor.

Mr. Livingston moved, seconded by Mr. Rose, to appoint citizens and not elected officials to the TPAC. The vote in favor was unanimous.

Mr. Manning made a substitute motion, seconded by Mr. Malinowski, to set the terms to the TPAC as follows:

Richland County – 2 (1 yr.), 3 (2 yrs.) and 2 (5 yrs.)
Columbia – 1 (1 yrs.), 1 (3 yrs.) and 1 (5 yrs.)
Arcadia Lakes – 1 yr.
Blythewood – 2 yrs.
Eastover – 3 yrs.
Forest Acres – 4 yrs.
Irmo – 5 yrs.

Mr. Manning withdrew his substitute motion.

Ms. Dickerson made a substitute motion, seconded by Mr. Manning, to stagger the terms for 3 and 5 years. A discussion took place.

Mr. Manning made a second substitute motion, seconded to Ms. Dickerson, to set the terms to the TPAC as follows:

Richland County – 2 (3yrs.), 3 (4 yrs.) and 2 (5 yrs.)
Columbia – 1 (3 yrs.), 1 (4 yrs.) and 1 (5 yrs.)
Arcadia Lakes – 1 (3 yrs.)
Blythewood – 1 (4 yrs.)
Eastover – 1 (4 yrs.)
Forest Acres (4 yrs.)
Irmo – 1 (5 yrs.)

Mr. Pearce moved, seconded by Mr. Malinowski, to call for the question.

Mr. Pearce withdrew his motion to call for the question.

Mr. Livingston accepted Mr. Manning's second substitute motion as an amendment to the main motion.

The vote in favor was unanimous.

POINT OF PERSONAL PRIVILEGE – Ms. Dickerson recognized Blythewood Town Councilman Ed Garrison was in the audience.

- b. Partnership Type/Level with DOT** – Mr. Livingston stated that the committee recommended approving a partnership between Richland County and SCDOT similar to those utilized in York and Beaufort Counties.

Mr. Jeter made a substitute motion, seconded by Ms. Dickerson, to approve the partnership between Richland County and the SCDOT be modeled similar to those of York and Beaufort Counties, to begin the RFP/RFQ for the Project Manager and SCDOT maintain roads. The vote in favor was unanimous.

- c. **Project/Program Manager** – This item was addressed in the motion by Mr. Jeter regarding the Partnership Type/Level with DOT.
- d. **Small/Local/Minority Firms** – Mr. McDonald stated that the law firm of Tydings & Rosenberg, LLP has been retained to assist with this item.

Mr. Malinowski requested a copy of the SCDOT Minority Program requirements.

REPORT OF THE REGIONAL RECREATION COMPLEX AD HOC COMMITTEE

- a. **Work Authorization #3 and #4 Update** – This item was for information.
- b. **RFQ—Management/Operations of Soccer Program Update** – There have been 4 responses to the RFQ and after review by the evaluation committee recommendations will be forwarded to the ad hoc committee for action.
- c. **Full Council Work Session: Proposed—October 16, 4:00-5:00PM** – Action was taken on this item under the Report of Clerk of Council.

REPORT OF THE AIRPORT COMMISSION

- a. **Curtiss-Wright Hangar** – Mr. Pearce moved, seconded by Mr. Malinowski, to authorize the County Administrator to proceed in concert with the Airport Commission to negotiate with CW Hangar Partners, LLP and to bring back to Council an agreement for purchase. In addition, if the County Administrator incurs expenses in the negotiation process that those costs be brought back to Council. The vote in favor was unanimous.

CITIZEN'S INPUT

No one signed up to speak.

EXECUTIVE SESSION

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Council went into Executive Session at approximately 8:31 p.m. and came out at approximately 8:55 p.m.
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Richland County Public Library – Mr. Manning moved, seconded by Ms. Hutchinson, to authorize the County Attorney's office to proceed as directed in Executive Session.

For

Rose
Hutchinson
Pearce
Washington
Livingston
Manning

Against

Malinowski
Jackson
Dickerson
Kennedy

The vote was in favor.

MOTION PERIOD

Motion to have a water line installed on Larger Street [KENNEDY] – This item was referred to the D&S Committee.

To direct Public Works to design an educational label to be placed on the “Herbie Curbie” containers to inform the responsible person of their responsibility and consequences for leaving containers curbside for days [DICKERSON] – This item was referred to the D&S Committee.

Resolution honoring Bishop Richard Norris [WASHINGTON] – Mr. Manning moved, seconded by Ms. Kennedy, to adopt a resolution honoring Bishop Richard Norris. The vote in favor was unanimous.

ADJOURNMENT

The meeting adjourned at approximately 8:59 p.m.

Kelvin E. Washington, Sr., Chair

L. Gregory Pearce, Jr., Vice-Chair

Gwendolyn Davis Kennedy

Joyce Dickerson

Valerie Hutchinson

Norman Jackson

Damon Jeter

Bill Malinowski

Jim Manning

Paul Livingston

Seth Rose

The minutes were transcribed by Michelle M. Onley